

NOV 05 2009

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

GARY SMITH, JR.
9532 Garis Shop Road
Hagerstown, MD 21740

Plaintiff

v.

AUBY CURTIS
16068 Rocky Road
Culpeper, VA 22701

Defendant

Civil Action No.

321924

PJM 09 CV 2931

RECEIVED

OCT 16 2009

Clerk of the Circuit Court
Montgomery County, Md.

PLAINTIFF'S COMPLAINT FOR DAMAGES
WITH DEMAND FOR TRIAL BY JURY

1. Plaintiff, Gary Smith ("Smith"), is an adult resident of the State of Maryland, Montgomery County. Plaintiff Smith was the driver of a vehicle that was struck by the Defendant Auby Curtis who was operating his vehicle in a negligent manner.
2. Upon information and belief, Defendant, Auby Curtis ("Curtis"), is an adult resident of the State of Virginia. At all times relevant to this Complaint, Curtis operated the vehicle that struck the vehicle in which Plaintiff Smith was operating causing Plaintiff Smith serious injuries.
3. On or about November 2, 2006, at approximately 2:51 p.m. Plaintiff Smith was lawfully operating his motor vehicle proceeding Northbound along Seven Locks Road, near the intersection of Wootton Parkway in Montgomery County, Maryland when his vehicle suddenly and without warning was struck by a motor vehicle negligently operated by Auby Curtis, thereby causing serious, substantial, and permanent injuries to Plaintiff.
4. Defendant Curtis failed to yield to the right of way to the Plaintiff striking Plaintiff's vehicle causing serious property damage to Mr. Smith's vehicle and resulting injuries.
5. At the time of the occurrence, Plaintiff Smith was exercising due care in the operation of

his motor vehicle.

6. Defendant Curtis negligently operated his motor vehicle in such a manner that caused Plaintiff Smith to suffer serious, substantial, and permanent injuries.

7. Defendant Curtis owed a duty to Plaintiff Smith to operate his vehicles in a reasonable and prudent manner pursuant to the laws of the State of Maryland then and there in effect.

COUNT I Negligence

8. Plaintiff incorporates by reference paragraphs 1-7 as though fully set forth herein.

9. Defendant Curtis was negligent in the operation his vehicle because he failed to yield the right of way to Plaintiff's vehicle thereby causing a significant impact with Plaintiff Smith's vehicle and causing Plaintiff Smith, to suffer serious, substantial, and permanent injuries.

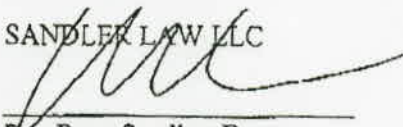
10. Defendant Curtis's negligence included, without limitation, failing to yield to the right of way, failing to keep a safe look out, failing to operate his vehicle at a safe and prudent speed, and failing to control his vehicle in such a manner as to avoid a collision with the vehicle operated by Plaintiff.

11. As a direct and proximate result of Defendant Curtis's negligence and reckless actions, Plaintiff Smith has suffered and continues to suffer great pain of body and mind, permanent injuries, and has incurred medical expenses and lost wages and will incur future medical expenses and lost wages.

WHEREFORE, Plaintiff Smith respectfully prays that judgment be entered against the Defendant Curtis, in the amount of \$750,000.00 in compensatory damages, plus pre judgment interest, post judgment interest at the legal rate, the costs of this action, attorneys' fees, and other relief deemed appropriate by this Court.

Respectfully submitted,

SANDLER LAW LLC

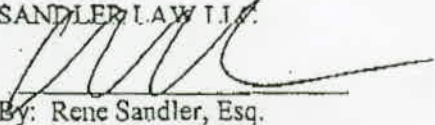

By: Rene Sandler, Esq.
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PLAINTIFF'S REQUEST FOR TRIAL BY JURY ON ALL CLAIMS

Plaintiff Gary Smith, Jr. requests a trial by jury on all of the claims asserted in his
Complaint.

Respectfully submitted,

SANDLER LAW LLC


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